

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Washino et al.

Serial No.: 09/301,656

Group No.: 2713

Filed: April 28, 1999

Examiner: H. Britton

For: VIDEO MONITORING AND CONFERENCING SYSTEM

SUPPLEMENTAL REISSUE DECLARATION AND POWER OF ATTORNEY

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

I, Barry H. Schwab, a U.S. citizen, being duly sworn, do hereby depose and state as follows:

1. I reside at 5298 Cedarhurst, West Bloomfield, Michigan.
2. I am a joint inventor of the subject matter claimed in U.S. Patent No. 5,625,410.
3. Kinya Washino, a Japanese citizen, residing at 80 Hamilton Ave., Dumont, New Jersey, is a joint inventor of the subject matter claimed in this patent.
4. I believe that we are the original and first inventors of the subject matter which is described and claimed in U.S. Patent No. 5,625,410, granted April 29, 1997, and for which a reissue patent is sought on the invention entitled "Video Monitoring and Conferencing System," the specification of which was filed on April 28, 1999 as reissue application Serial No. 09/301,656, and was amended on December 19, 2001; February 1, 2002; and June 17, 2002. These amendments constitute all amendments filed in the reissue application up to the time of filing of the oath/declaration.
5. I also believe that our issued patent is at least partly inoperative or invalid in that we claim less than we had the right to claim.
6. In particular, certain of the claims as presently drafted include limitations which are unnecessary to distinguish the subject matter of our invention over the prior art. As an example of one such error, the independent claims of the issued patent include the recitation of a high-capacity storage medium, a limitation with structural and/or functional implications which are not necessary to a fundamental embodiment of our invention.

7. This error in claiming was recently discovered and promptly acted upon. Over the course of the last couple of years, Mr. Washino and I have been engaged in the formation of a business around the subject matter of our issued patents as they relate to multi-format audio and video production. These activities are based in part upon subject matter disclosed in U.S. Patent No. 5,624,410 for which the subject reissue is now being sought.

8. In forming this new business, we have been in contact with various prospective partners and potential investors. In conjunction with these negotiations, we began a detailed and in-depth review of our relevant patents to ensure that we had claimed all that we were entitled to.

9. Following a series of telephone and in-person communications with our patent attorney, John G. Posa, we reached the conclusion that certain subject matter, as identified above, was not adequately represented in the claims, and that our issued patent was at least partially inoperative for failing to claim all that we had a right to claim in the patent.

10. All errors which are being corrected in this reissue application up to the time of filing of the oath/declaration arose without any deceptive intention on the part of myself or my co-inventor, Mr. Kinya Washino.

11. I have reviewed and understand the contents of the specification, including the claims, as they have been amended in accordance with this re-issue application.

12. I also acknowledge my duty to disclose to the Patent Office all information known to be material to the patentability of our invention, and have not identified any further references apart from those submitted or cited during the prosecution of our issued patent.

13. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

14. I hereby appoint all of the attorneys of Gifford, Krass, Groh, Sprinkle, Anderson & Citkowski, P.C. as my legal representatives in this matter. All communications should be directed to John G. Posa, Esq. at the following address:

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GIFFORD, KRASS, GROH, SPRINKLE,
ANDERSON & CITKOWSKI, PC
PO Box 7021
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Telephone (734) 913-9300

WHEREFORE, I hereby subscribe my name to the foregoing specification and claims,
Declaration and Power of Attorney.

Date: 27 JUNE 2008

By *BH Schwab*
Barry H. Schwab